UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/1991/SR.17
1 April 1992

ENGLISH
Original: FRENCH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Sixth session

SUMMARY RECORD OF THE 17th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 5 December 1991, at 10 a.m.

Chairman: Mr. ALSTON

CONTENTS

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Colombia

Organization of work (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.91-18839/4364B

The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS (agenda item 7)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Colombia (E/1990/7/Add.4, E/1989/5/Add.3 and E/C.12/WG/1991/CRP.8)

1. At the invitation of the Chairman, Mr. Mestre Sarmiento and Mrs. Galvis (Colombia) took a place at the Committee table.

2. Mr. MESTRE SARMIENTO (Colombia) introduced the second periodic report of Colombia concerning rights covered by articles 13 to 15 of the Covenant (E/1990/7/Add.4) as well as the additional information requested from that country (E/1989/5/Add.3). The political, social and institutional changes taking place in Colombia were so wide-ranging that he was not sure that he would be able to do justice to his task.

3. With regard to the right of everyone to education, the main problems related to inadequate school enrolment in rural areas, a high drop-out rate in both urban and rural areas, although higher in the latter, and an overall illiteracy rate of 12 per cent (E/1990/7/Add.4, para. 2). Between 1987 and 1989 two major programmes had been launched to rectify that state of affairs: the Basic Education for All Programme and the National Rehabilitation Plan (PNR). The latter, basically directed at the country's marginal regions, had become the main instrument of what was known in Colombia as the national reconciliation process, which was to enable armed groups in existence at the time of the report to go back to civilian life. The PNR was at the root of a clear reorientation of public resources; in 1986, only 4 per cent of total domestic investment had been devoted to the areas covered by the PNR, while in 1990 that percentage was 14 per cent, or over three times more. In education, its main purpose was to guarantee access to schooling for all school-age children, to improve methods and assessment systems (ibid., para. 9), an aim which should materialize in 1994. Currently, the Plan had already involved 304 municipalities and had benefited 5,485,000 inhabitants; 5,400 community organizations were taking part and it had given rise to more than 4,000 meetings of municipal rehabilitation councils and enabled more than 6,500 projects to be financed. The 1991 budget had earmarked 165 million dollars for it. In the recently approved budget for the forthcoming financial year, an allocation of 245 million dollars was planned, an increase of 50 per cent, despite the major economic difficulties affecting the country. The implementation of the Basic Education for All Programme was also going ahead and the Government was confident that the objectives set out in the report (ibid., para. 3) would be duly attained. During 1991, investments in school buildings had amounted to slightly over 20 million dollars, an increase of 45 per cent compared with 1988.

4. In reply to the first of the issues raised by the Committee in the list addressed to the Colombian Government in September 1991 by the pre-sessional working group (E/C.12/WG/1991/CRP.8), he described the considerable political and institutional changes which had taken place over the previous 12 months.

In August 1990, a new Government had been democratically elected following one of the most turbulent and difficult electoral campaigns in Colombia's history. From the moment he came to power, President Gaviria had endeavoured to fulfil the promise which he had made to convene a National Constituent Assembly. That body, elected in September 1990, had begun to sit in February 1991. Among those elected were members of former armed groups, who under an agreement with the Government had agreed to return to civilian life. The various Churches were also represented as well as, for the first time, the various indigenous populations. The political parties which had always constituted the majority in legislative bodies were no longer in the majority in the Constituent Assembly.

5. The Assembly had worked until July 1991 and had given the country a new Constitution. In Title II, chapter II, entitled "On social, economic and cultural rights", the Constitution provided that the family was the basic nucleus of society and that the State was responsible for ensuring its protection (art. 42). It guaranteed the equality of men and women before the law and gave special treatment to women who were heads of families (art. 43), recognized that the rights of the child were primordial and that the State must ensure the protection of children against all forms of neglect, physical or moral violence, exploitation, etc. (art. 44); it ensured the protection of young people and the elderly (arts. 45 to 47), recognized the right to social security, the right to decent housing, the right to recreation and the right to strike; it guaranteed private ownership and protected intellectual property. It also provided that the State had the duty to encourage the access to culture of everyone in conditions of equality (art. 70) and recognized the equal dignity of all cultures existing in the country. It placed the nation's cultural heritage under State protection (art. 72). Education in particular was recognized not only as a right of the individual (art. 67) but also as a public service which had a social function, and the State assumed obligations in that respect; education was compulsory between the ages of 5 and 15 and free in State schools, and the State performed its duties of educational inspection and supervision. The Constitution also guaranteed freedom to teach and freedom of apprenticeship (art. 68) as well as the independence of the universities (art. 69).

6. In reply to the second of the questions on the list concerning the status of the International Covenant on Economic, Social and Cultural Rights, he said that the Covenant had become a basic law in Colombian national legislation. Its provisions were constitutional norms which needed to be reflected in legislative and statutory provisions. The general new political structure which Colombia had adopted should make that possible.

7. The new Constitution maintained the traditional division of power: legislative authority belonged to a National Assembly, comprising a Senate and a Chamber of Deputies. There was a fundamental change in the way senators were elected, which now made for a much better representation of minorities. In the 102-member Senate which had resulted from the elections of 27 October 1991, the indigenous populations had three representatives, the Churches were represented for the first time and former armed groups which had left the guerrilla to return to civilian life accounted approximately for 14 to 15 per cent of the total.

8. With regard to the Executive, the subdivision of the country into departments and municipalities had been retained, but the authorities of each of those districts - governors for the departments, mayors for the municipalities - were appointed on the basis of free and general elections.

9. The new Constitution had also radically transformed the organization of the Judiciary: a special Court, the Constitutional Court, was responsible for monitoring observance of the Constitution. The Supreme Court of Justice had become a Court of Cassation. The Council of State and the Supreme Council of Justice had been retained. There was also a military criminal justice system. A new institution, that of the Procurator-General, had been set up. The new Constitution expressly entrusted to the Public Prosecutor's department the mandate of safeguarding and promoting human rights.

10. Mrs. GALVIS (Colombia) said that at the present time two institutions were responsible for the promotion of human rights in Colombia. The first, which concentrated entirely on that activity, was the Presidential Council for the defence, promotion and protection of human rights. At municipality level, a municipal system for the protection of human rights had been set up, headed by a municipal representative (personero). In liaison with the latter, a human rights committee decided on the programmes for dissemination and promotion to instruct municipal authorities in respect for and encouragement of human rights.

11. The second institution was the School of Public Administration which trained government officials. A semi-scholastic programme taught in that establishment sought to initiate officials in the exercise of respect for and defence of human rights throughout the country. The progress achieved in the knowledge, promotion and respect for human rights was one of the factors which had contributed most to the ongoing reconciliation process, by furnishing it with genuine bases in civil society and among government officials.

12. In order to guarantee the full exercise of the right of everyone to education (arts. 13 and 14 of the Covenant), Colombia had undertaken syllabus reform. In cooperation with UNESCO, it had launched a new school experiment, based on teaching reforms adopted in 1986 and aimed at bringing the education provided, particularly primary and secondary education, into line with the Colombian way of life, and at integrating the pupil into community life. Similar experiments had already been carried out in other Latin American countries. The Basic Education for All Programme mentioned by Mr. Mestre Sarmiento, was also intended to improve the country's teaching structures, and particularly to strengthen teaching coverage quantitatively and qualitatively so that the entire school-age population could ultimately be educated.

13. Parallel with school education, adult education was part of the activities designed to extend schooling. In addition to the traditional system for eliminating illiteracy, a social service had been set up, whereby the pupils in their penultimate year of secondary school spent several hours teaching in adult literacy classes. Still in the context of the Basic Education for All Programme, secondary school pupils became involved in social activities, acting as "health supervisors", providing elementary instruction on prevention and care to combat dehydration, for example. A health training

programme, launched in cooperation with the Ministry of Health, was also aimed at improving the quality of life for all. The mass media played a vital role in that respect and educational radio and television were instrumental in reinforcing primary and secondary studies.

14. Where cultural development was concerned (art. 4 of the Covenant), Colombia had set up special programmes for the cultural development of young people. One was aimed at the prevention of drug addiction through cultural activities designed to inculcate in young people some idea of the quality of life. The programme had been introduced in Bogotá and then extended to other towns and municipalities, particularly where there was a problem of drugs.

15. The promotion of human rights in education was being developed on two fronts. In the schools, the civic education programme aimed at making pupils aware of human rights, while in conjunction with the media, human rights promotion campaigns had been launched in the extramural educational structure, in the form of seminars for the public at large, or teaching materials dealing, for example, with the Convention on the Rights of the Child, or the exercise of the fundamental rights of children and the protection of juveniles. The same materials had also been distributed to teachers and pupils, in all the country's educational establishments.

16. As part of their teacher-training course, future teachers took civic instruction courses as an integral part of their activities at all levels of national education. Teachers were paid (E/C.12/WG/1991/CRP.8, 13) according to their grade; they began their careers at a step a, the lowest, and depending on their seniority could reach step 14 which was the highest. At step 14, a teacher's salary was 40 per cent of that of a Supreme Court judge, a Senator or the President of the Republic, the highest in the country.

17. As a result of the activities under the Basic Education for All Programme, it had been possible to reduce the illiteracy rate from 12 per cent to 7 or 8 per cent between 1989 and 1991. Where equal access to education was concerned (ibid., para. 14) she stressed that the promotion of women in the universities was as large as that of men, as indeed, in nearly all the professions, and that they were even in a clear majority in some faculties, such as law. School results were balanced, i.e., approximately the same for boys and girls at the end of primary and secondary school, as were drop-outs from school, a problem which the authorities were endeavouring to tackle specifically through the Basic Education for All Programme and the constitutional principles of compulsory schooling to the age of 15 and free education in all public establishments.

18. Turning to the implementation of the rights covered by article 15 concerning cultural life, she said that the Colombian Cultural Institute (COLCULTURA), referred to in the second periodic report of Colombia (E/1990/7/Add.4, paras. 53-63), was responsible for implementing the cultural policies formulated by the National Council for economic and social policy and established programmes for the development of culture nationally. That process entailed support for the production of classical and folk culture in all its forms - theatre, cinema and music - and the training of artists in academies of music, and fine arts and drama schools, as well as in the academy for the restoration and conservation of the cultural heritage. Colombia's main cities had training centres of that kind.

19. The idea of recreating the national culture and strengthening the country's cultural identity had gained acceptance; the National Rehabilitation Plan (PNR) therefore included a cultural component; Regional Cultural Councils had been set up to develop creativity and cultural activities in the regions and the municipalities, and also to reconstitute the original forms and trends in the country's culture, with the assistance of historians, sociologists and anthropologists. Each region currently had its folk group which revived local culture and the major moments of its history. The theatre was extensively involved in the new explosion of national culture, in the form of collective productions. In addition, on the fringe of events such as festivals, a street theatre which was truly a popular theatre had come into being.

20. The dissemination of indigenous culture was part of the general policy concerning the indigenous peoples, which also took the form of their participation in political life in all its guises; the indigenous populations thus had a special court to which they alone had access, and they took part in natural resource management and in the implementation of environmental policy. As bilingualism had been introduced in Colombia in 1986, the authorities attached particular importance to training indigenous persons to enable them to dispense a bilingual education in their villages. The Government had also undertaken to respect the sacred places and the cultural heritage of the indigenous population, with which it had drawn up agreements for the protection of their heritage, such as the agreement on the "lost city" with the populations of the Sierra Nevada de Santa Marta, intended to prevent excavations by anthropologists from damaging the sacred place in question.

21. A section of COLCULTURA was concerned exclusively with encouraging and disseminating the particularly exuberant musical culture of black Colombians, as well as protecting black musicians' royalties.

22. With regard to the role of the media, one of Colombia's television channels concentrated on classical and popular culture. The Colombian National Radio, which had the highest listening rate in the country, produced broadcasts on culture and scientific discoveries. There were also local radio stations, at Bogotá, Medellín and Cali, which transmitted classical music all day long, and stations in three of the country's universities. In addition, COLCULTURA published a bimonthly review on literary, theatre and film criticism, as well as scientific research.

23. Cultural activities were financed by the State budget which had allocated 124,580,000 pesos for them in 1989 and 274 million pesos in 1990. The Government also offered tax incentives to private enterprises that took part in disseminating culture. For instance, the Bank of the Republic had set up libraries and museums, notably the Gold Museum, while the Central Mortgage Bank was the main sponsor of the symphony orchestra of the music school for children and young people. Colombia had four classical orchestras. All the major cities had theatres and concert halls and nearly all the municipalities had at least one cinema. In the large centres there were handicraft museums, and museums of indigenous, contemporary and classical art.

24. Mr. MESTRE SARMIENTO (Colombia) gave further information about Colombia's recovery. He said that as part of the National Rehabilitation Plan (E/C.12/WG/1991/CRP.8, para. 6), 800 km of main roads and 3,495 km of

secondary roads had so far been built in marginal areas, which had also been equipped with a 4,000 km electricity grid, as well as water mains and sewerage systems, by means of 780 projects; 3,500 primary schools and 215 secondary schools had been built, as well as 1,322 health centres and 25 regional hospitals. Children's homes, run by the National Institute for Family Protection had admitted 190,000 children. The Government expected to have completed two thirds of the Plan at the end of 1992. Efforts would now concentrate on setting-up a new kind of community organization capable of contributing to the implementation of the Plan in respect of education and health, since they were two basic services whose management, because of decentralization, would devolve on the municipalities. He specified that Colombia received no aid in the form of international cooperation for the implementation of the National Rehabilitation Plan, which was entirely financed from the State budget (ibid., para. 7).

25. With regard to anti-guerrilla action (ibid., para. 8), he said that of the six armed groups operating in the country in 1989, four - the 19 April Movement (M 19), the People's Liberation Front Army, the Workers' Revolutionary Party and an indigenous movement - had returned to civilian life after reaching an agreement with the national Government and had set up political parties. The other two groups - FARC (Colombian Revolutionary Armed Forces) and ELN (National Liberation Army) - had merged and had started discussions with prominent Colombians, at Caracas, on the initiative of the Colombian Government and with the cooperation of the Government of Venezuela. The aim of those negotiations was to pave the way for the reintegration of the two groups into civilian life, but they had not yet been successful, the Government, however, was determined to maintain the dialogue by all possible means in order to restore peace in Colombia.

26. Where the anti-drug campaign was concerned, the State had attacked the machinery of the Medellín Cartel; of the six principal leaders, two had been assassinated, a third had been extradited to the United States and the other three were detained in Colombia, where they would be brought to trial according to a procedure whereby their sentence could be reduced in consideration of a confession. The Government Procurator's Office was collecting evidence, and assistance in that operation had been requested from every country in the world. The investigation was still under way, and it was difficult to anticipate when the court would be able to hand down a decision, which the Government expected to be exemplary. In any case, the number of acts of violence due to the confrontation between the Cartel and the State had very notably decreased.

27. In the agricultural sector, the crop replacement campaigns had only met with a fair amount of success; new varieties and new crops of plants used in the manufacture of narcotic drugs constantly appeared. Nevertheless, the cartels and the drug traffickers were beginning to fall back on other Latin American countries to secure supplies which had become too difficult in Colombia. All in all, it would only be possible to arrest the problem by taking action on consumption, which in Colombia in any case was negligible; drug addicts were taken into care by private and public institutions which helped to reintegrate them into society. The drug traffic had encouraged the forumlation of paramilitary groups which had become very powerful in some regions of the country. Two weeks earlier, the leaders of all those groups

had given themselves up and they might also be eligible for lighter sentences under the new procedure if they made a confession and helped the law finally to elucidate the innumerable crimes committed in Colombia.

28. All in all, the efforts by the Colombian authorities to combat the guerrilla, the drug traffic and the terrorist acts committed by paramilitary groups had yielded good results and the Government was very hopeful that Colombia would soon enjoy peace.

29. Mr. ALVAREZ VITA said that he was happy to see that the efforts to protect human rights in Colombia had produced tangible results, in line with the Committee's objectives. He had personally had an opportunity to observe that those achievements had been incorporated into national life. Colombia's efforts were all the more meritorious because, as everyone was aware, they were set against the context of the drug traffic, which was particularly intense in that country. It was one of the most serious problems affecting the contemporary world because it seriously undermined the protection and exercise of human rights, whether civil and political or economic, social and cultural rights, and also because it was beyond the control of the countries affected. Action to combat drug was one area where international solidarity needed to assert itself more vigorously; the producer countries, in particular, should envisage the gradual replacement of the crops in question.

30. He had studied carefully the new Colombian Constitution which devoted no less than 84 articles to the promotion of human rights. Some of those provisions, however, called for clarification.

31. Concerning the integration of the International Covenant on Economic, Social and Cultural Rights into domestic law, Mr. Mestre Sarmiento had indeed said that the standards set out in the Covenant were considered to be basic tenets of Colombian law, but it was not apparent by what procedure; were the rights protected by the Covenant incorporated into the Constitution of Colombia or had the Covenant been incorporated as such into domestic law? A perusal of the Colombian Constitution did not show how an international treaty in general could be incorporated into domestic law, with the exception of conventions and treaties concerning the right to work which, under article 51 of the Constitution, were integrated ipso facto into domestic legislation. Articles 9 and 93 of the Constitution, the former dealing with Colombia's acceptance of the principles of international law and the latter with the place in the domestic order of international human rights instruments ratified by the Congress, did not cast any light on the matter.

32. With regard to article 42 of the Constitution concerning marriage and its dissolution, the question arose as to which text predominated - the Concordat which was a treaty, or the Constitution.

33. Article 44, which dealt with the rights of the child, particularly those rights that were protected by international instruments - and Colombia was a party to the Convention on the Rights of the Child - stated that those rights had priority over the others but did not specify which those other rights were.

34. Article 10 of the Constitution dealt with official languages; Spanish was the official language of the country, but education was bilingual in

territories inhabited by indigenous populations. He wished to know whether that provision was already being implemented, since to bring such provisions into force needed time.

35. Article 24 of the Constitution authorized the free movement of individuals but was so worded that it gave the impression that that freedom was reserved for Colombian nationals only.

36. Article 26 concerned vocational training and he wondered whether it was compulsory for all professions.

37. Article 35 on extradition, was one of the most controversial, since the Constitution forbade the extradition of native Colombians. In that respect, it diverged somewhat from recent trends in international law. It would be interesting to hear what members of the Committee had to say on the subject.

38. It was important to know that the Constitution duly protected the rights of the elderly, the right to health, the right to housing and the right to a healthy environment. In addition, the provisions on the quality control of goods and services set out in article 78 also opened up new prospects for the protection of human rights.

39. The representative of Colombia had referred to a special indigenous court; he had not seen any reference to it in the Constitution of Colombia and asked for clarifications.

40. Mrs. BONOAN DANDAM wished to know exactly what were the indigenous "treasures" protected by the absolute prohibition on archaeological excavations. What did those treasures represent and did they belong to the indigenous communities?

41. The Committee had not received an answer to the pre-sessional working group's question on the role of the private sector in secondary education (E/C.12/WG/1991/CRP.8, para. 12). With reference to teachers' salaries, the Committee had learned how they were situated vis-à-vis the average Colombian wage and that they could be compared to those of magistrates and some high-level officials in the civil service. It would be more instructive to compare the salaries of private sector teachers with those of public sector teachers.

42. Mr. MARCHAN ROMERO noted, in the second periodic report of Colombia (E/1990/7/Add.4, paras. 43 and 44) that a Ministry of Education programme launched in 1989 was aimed at diversifying the range of subjects available into educational options which responded to the characteristics and needs of each region. What results, what progress and what difficulties had been recorded since 1989 in implementing that programme?

43. He also wished to know what education for the elderly, one of the options offered to students in teacher-training colleges (ibid., para. 45), consisted of. Did it involve psychological assistance to the elderly in coping with old age, or of training them to enable them to find a place in a new area of activity?

44. Mr. BADAWI asked for figures on the progress recorded in education. He would like to know how many children of primary school-age Colombia had. He also asked what success the literacy programmes had met with, according to the most recent figures.

45. He also asked what the expression "the vocation of the various regions" in paragraph 12 of the report (ibid.) meant.

46. Mr. MUTERAHEJURU asked what the "neighbourhood centres" to provide continuing education for adults were (ibid., para. 5), how they operated and what results they had obtained since their inception. He also asked how many persons, among adults in particular, had been affected by the Basic Education for All Programme.

47. He then raised the subject of populations living in a state of critical poverty. The report of Colombia stated (ibid., para. 26) that 13,250,000 Colombian adults were in a situation of critical poverty. If the number of non-adults in the same situation were added to that figure, it might be asked how many Colombians overall lived in critical poverty out of the country's 33 million inhabitants. He would like to have a more detailed breakdown of that population, by rural and urban areas, for example. In the case of black and indigenous populations, perhaps the delegation of Colombia could indicate how many of their members lived in a situation of critical poverty, how many received an education of the traditional type from primary school to the university, and whether there were persons in those populations who did not live in critical poverty. He also wondered how many beneficiaries of the adult training programmes did not belong to the strata of the population living in critical poverty.

48. Those population groups also required study from the point of view of drug addiction and the drug traffic. Their share in that traffic needed to be determined, as well as the extent to which they were exploited by the traffickers and the extent to which they were victims of drugs. They were particularly vulnerable populations and he wondered what provisions the Government had made to protect them. He also wished to know to what extent they took part in the country's cultural activities.

49. Mrs. IDER asked whether Colombia had thought of assessing the measures taken under paragraphs 13 to 15 of the Covenant. The figures which had been quoted concerned expenditure on a number of programmes, but nothing had been said about the assessment of the results obtained.

50. According to Mr. Mestre Sarmiento, nearly 30 per cent of the State budget was earmarked for education, although 60 per cent of education was in the hands of the private sector. She wondered what the allocation of State credits was, whether the private sector also benefited, and whether the Government took measures to restore the balance between the private and the public sectors.

51. The literacy campaign seemed to have made a good start and the promotion of secondary education was encouraging, but she thought that there were still disparities between the various regions and the various population groups and would like to have details in that regard.

52. With regard to freedom of artistic creation, she wondered whether Colombia exercised censorship on television, radio and cinema programmes, and if so, to what extent.

53. The representative of Colombia had said that secondary pupils took part in the literacy campaign. She asked whether they were paid or whether their work was voluntary.

54. The report on Colombia stated (ibid., para. 50) that a seminar had been arranged for judicial officials on the international human rights instruments to which Colombia was a party; she asked whether the result of that initiative had been assessed. The report also indicated (ibid., para. 51) that the Office of the Presidential Adviser was sponsoring research activities intended to establish bases for the formulation of a coherent pedagogical policy and also financed research on human rights in Colombia. She asked whether the delegation of Colombia could indicate the stage which that research had reached and the extent to which the public at large was interested in it.

55. Mr. RATTRAY applauded the Colombian Government for its efforts to find a solution to the immense difficulties facing the country. It would be interesting to see in a few years' time the outcome of all the measures which had recently been taken.

56. He observed that the drop-out rate from education was very high in Colombia and said that he would like to have a breakdown of drop-outs in terms of sex, ethnic group and socio-economic stratum. He would also like to know what share of the budget was earmarked for the education of the indigenous groups and for black Colombians.

57. With regard to the comparison between the salaries of teachers and those of Supreme Court magistrates and senators, he had not clearly understood the sense of the relative figures which had been communicated.

58. Where the problem of drugs was concerned, he said that he would like to know what impact the drug traffic had on the implementation of human rights, particularly those set out in articles 13 to 15 of the Covenant and what measures had been taken by the Colombian Government in that regard. He also wondered whether Colombia should be regarded as the party solely responsible for the drug problem in the country or whether the international community, particularly the consumer countries, did not also carry a large share of responsibility. Since Colombia was endeavouring to find new sources of income, it would also be necessary to know whether the Colombian Government received external financial aid not only to bolster the anti-drug traffic campaign but also to mitigate the impact on the country's economy of the means used, and as a result on respect for human rights.

59. Mr. WIMER ZAMBRANO said that he wished to congratulate the Colombian Government on its policy, which would seem to herald sweeping changes and the end of a long period of violence. Colombians, whatever their political tendencies, pinned great hopes on Colombia's future and were following the changes currently being made with enthusiasm.

60. He said that he would like to have details of the strategy adopted by the Colombian Government to solve the problem of the groups of young people known as gamines who existed in a context of violence. He also wondered whether there were immigrant workers in Colombia and whether they were made welcome.

61. Mrs. JIMINEZ BUTRAGUEÑO congratulated the Government of Colombia which despite all the difficulties confronting it, had submitted a very satisfactory report. She said that she would like to have a copy of Mr. Mestre Sarmiento's statement which contained interesting information, as well as a copy of the Colombian Constitution.

62. Referring especially to the situation of the elderly, she requested additional information on the particular problems of elderly persons in Colombia. She understood that secondary pupils gave voluntary assistance to elderly persons and welcomed that initiative which was likely to bring the generations closer. She would like to know whether the Colombians took advantage of the experience which was the prerogative of age and how they did so.

63. According to the information transmitted by the representative of Colombia, a special court existed for the sole use of indigenous groups and black Colombians. Reflecting on the reason for its existence, she wondered whether those population groups needed special protection. She said that she would also like to know whether indigenous and black persons could enter the civil service and particularly the magistracy.

64. She was very interested in the information concerning the training given to the army in human rights, and thought that policemen, whatever their rank, should also have access to that training; it was a notion which should be developed in all countries.

65. Going on to education proper, she asked whether State-subsidized private schools were open to all Colombian children or whether they were reserved for children from well-off families.

66. Lastly, according to the representative of Colombia, the Churches were represented in the Senate. She said that she would like to know which Churches were represented.

67. Mr. FOFANA asked what the position of the indigenous court was in the legal system and what its powers were.

68. Mr. MESTRE SARMIENTO (Colombia) said that he was pleased to note that the Committee had understood perfectly well that the development of the situation in Colombia bore witness to the solidarity of an entire nation and made it possible to glimpse the end of the tunnel, as it were.

69. He said that he would transmit in writing the statistics requested after consultation with the competent Colombian authorities.

70. With regard to the integration of international treaties into the domestic order, the Constitution provided that the treaties must be approved by the National Assembly before becoming an integral part of domestic law.

The President of the Republic could, however, order the provisional implementation of economic and trade agreements elaborated by international organizations pending the Assembly's decision.

71. He agreed that the wording of some provisions of the Constitution, for example, concerning the free movement of persons on Colombian territory, lacked clarity and needed to be made more precise. It would no doubt be necessary to wait until the Constitutional Court began to interpret the articles of the Constitution for them to take on their true significance. Human rights were already recognized in the new Constitution and the rights of the child predominated over the rights of other age groups. For some years, Colombia had done its utmost to promote respect for human rights.

72. With regard to the drug traffic, he said that the Colombian Government refused to apply for international aid, but hoped that each country would begin by organizing action on its own territory. The core of the problem was consumption, which was the immediate cause of the drug traffic. As long as there were certain markets like that of the United States, where, according to the statistics, there were 25 million habitual consumers and 40 million occasional users, no solution, whether political, legal, technological, economic or agricultural would end that menace. In the United States, drugs were a public health problem; in Colombia, they threatened the survival of society and the State. With regard to the income from the drug traffic, he stressed that the producer countries in fact received less than 10 per cent of total proceeds from sales. The consumer countries were the main beneficiaries of what could be termed drug money.

73. In answer to a question on the "children of violence", he said that the gamines were street children, in other words, homeless children. The main problem as things stood was the existence of sicarios, the children exploited by the drug traffickers who used them to dispense unofficial justice, and, for example, to have a 15-year old child under the Minister of Justice, Mr. Rodríguez Larra. The children were trained and paid by the drug traffickers in exchange for "family assistance". The groups had appeared at Medellín, the centre of the drug traffic, where the rate of unemployment had been very high for 15 years. In order to deal with the problem, a special group had been set up answerable to the Office of the President of the Republic, with the mission of reintegrating the young people into society, finding work for the members of their families and bringing pressure to bear on their social environment.

74. Turning to the question of immigration, he recalled that approximately 10 per cent of Colombians lived abroad, mainly in Ecuador and Venezuela but also in Central America, the United States and the Caribbean. Immigrants were very welcome and were very rapidly integrated into Colombian society. It was apparent, for example, that many of the representatives elected to legislative bodies were second-generation immigrants, in other words, persons born of foreign parents in Colombia.

75. Lastly with regard to the indigeneous population, the Government had adopted a special policy which consisted of entrusting the management of most of Amazonia and the Orinoco Basin, in Colombian territory, to the indigeneous populations living in those regions, who had also become the keepers of Colombia's ecological heritage.

76. He proposed to study the other questions raised by the members of the Committee in more detail and to reply to them later.

77. The CHAIRMAN thanked the representatives of Colombia for having introduced their country's report cocerning the rights set out in articles 13 to 15 of the Covenant and for having begun to reply to the questions raised by members of the Committee.

ORGANIZATION OF WORK (agenda item 4) (continued)

78. The CHAIRMAN informed members of the Committee that the Republic of Belarus had requested that its report (E/1990/7/Add.5) should be postponed until the next session. If there was no objection, he would take it that the members of the Commitee agreed to that request.

79. It was so decided.

The meeting rose at 1.05 p.m.